

04-1617-CBS

AFFIDAVIT

I, Herman L. Arnold, having been duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the United States Department of State, Diplomatic Security Service ("DSS"), and have been so employed since August 2002. As part of my official duties, I am responsible for investigating criminal violations relating to the U.S. Department of State, including passport and visa fraud, illegal, improper use, and possession of identification documents and false statements made in order to illegally obtain passports and visas.

2. The information set forth on this affidavit is based on information provided by passport specialists at the United States Post Office, Roxbury, MA.; officials of the Massachusetts Registry of Motor Vehicles ("ARMV"); and the FBI Special Processing Center. This affidavit does not contain all of the information known to me and other law enforcement concerning this investigation, only that information sufficient to set forth probable cause in support of a criminal complaint and the issuance of an arrest warrant charging Cristian COLON a/k/a Reinaldo ORTIZ-Fantauzzi, with making false statements in an application for a United States passport, in violation of Title 18, United States Code, §1542.

3. On December 3, 2002, an individual identifying himself as Reinaldo Ortiz-Fantauzzi submitted an application ("ADS-11") for a passport at the United States Post Office in Roxbury, MA. The applicant listed his date and place of birth as July 27, 1964 in Rio Piedras, Puerto Rico. He listed his social security account number ("ASSAN") as 583-78-4315. He listed his parents as Marcelino Ortiz (father) and Celestina Fantauzzi (mother's maiden name). A copy of the RODRIGUEZ DS-11 is appended hereto as Exhibit A.

In support of the Ortiz-Fantauzzi application, the applicant provided a Massachusetts' drivers license and a Puerto Rican birth certificate as proof of his identity and citizenship. A copy of the ORTIZ-Fantauzzi Puerto Rican birth certificate is appended hereto as Exhibit B.

4. The applicant signed the Ortiz-Fantauzzi DS-11 in the presence of the authorized passport acceptance clerk, attesting that all of the information was true. The applicant also submitted, as required, two copies of a photograph of himself. One copy of the photograph was attached to the Ortiz-Fantauzzi application at the time of its submission.

5. A search of law enforcement databases revealed the applicant, under the name of Ortiz-Fantauzzi is also known as Cristian COLON, with a date of birth of 12/05/1961 and a place of

birth of the Dominican Republic. As COLON, the applicant was convicted in the District of Massachusetts for a violation of 18 U.S.C. §922(g)(felon-in-possession); and convicted in New York for the crime of Escape. Fingerprint comparisons reveal that these convictions are for one and the same person.

The search also revealed there is an active and outstanding warrant from the United States Marshal Service for a violation of federal law involving customs.

6. I have reviewed a photograph from the U.S. Marshal Service relating to the warrant and which is in the identity of Cristian COLON, and am of the opinion that the photograph of COLON positively matches the photograph supplied on the Ortiz-Fantauzzi application.

A copy of the U.S. Marshal Service photograph is appended hereto as Exhibit C.

7. Information supplied by the Immigration and Customs Enforcement indicate that COLON is a native of the Dominican Republic and was previously deported by the Immigration and Naturalization Service (INS) on July 2, 1997. COLON's Alien Registration file Number is A 074-777-076 and is under the name of COLON.


8. Based upon the information set forth above, I believe that probable cause exists to conclude that Cristian COLON, using

the identity of Reinaldo Ortiz-Fantauzzi, did, on or about December 3, 2002, willfully and knowingly make false statements in an application for a United States passport, with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, in violation of Title 18, United States Code, §1542.



Herman L. Arnold
Special Agent
U.S. Department of State
Diplomatic Security Service

Sworn and subscribed to me this 3rd day of February 2004.



CHARLES B. SWARTWOOD,
UNITED STATES MAGISTRATE JUDGE

